THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18587 of 1996

Dated:05.12.2006

Between
K.Lokanatham

.....Petitioner

and

1.The Dist. Collector/President
Dist.Scheduled castes Coop.
Society Limited, Chittoor,
Chittoor District and others.

...Respondents

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W.P.No.18587 of 1996

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not continuing the petitioner as attender in the 3rd respondent Office as illegal and arbitrary and consequently to direct the respondents to regularize the services of the petitioner as attender in terms of GOMs.No.212 treating that the petitioner is deemed to have been in service without break since 8.5.1990 and to pass such other orders.

It is the case of the petitioner that he was appointed as Watchman temporarily by the 1st respondent *vide* proceedings No.A1/3902/86, dated 6.12.1986. Thereafter, he was appointed as attender temporarily in the 3rd respondent office on daily wage basis vide proceedings No.A1/3902/86

dated 11.12.1986. Subsequently, the services of the petitioner and other temporary employees were terminated with effect from 8.5.1990. Aggrieved by the same, the petitioner and others have filed W.P.No.7383 of 1990. This Court by an order dated 29.5.1990 granted interim direction to the respondents to continue the petitioner and others who worked for not less than 240 days and working as on 31.3.1990. After allowing the writ petition, the services of the petitioner were terminated on the ground that he has not completed 240 days. Therefore, he filed the present writ petition stating that if the artificial breaks are not taken into consideration, he is entitled for being considered under G.O.Ms.No.212.

A detailed counter-affidavit has been filed by the 2nd respondent. At para 7 and 8 it is asserted that the District Societies and also the Corporation have no definite service rules, and the adhoc rules framed by the Corporation have been submitted to the Government for approval. Pending the approval it is not possible to regularize the services of any daily wage employee or temporary

employee. Therefore, the Corporation issued a Circular No.LC/1914/APSC/95, dated 9.4.1997 to the effect that no regularization shall be done till the approval of the rules and finalization of staffing pattern by the Government. In the instant case, there is no sanctioned post of Attender or any equivalent vacancy, as such the petitioner is not entitled to any relief as sought for.

In view of the above, the writ petition is devoid of merits and the same is liable to be dismissed.

Writ petition is dismissed accordingly. However, as and when the rules are approved, the case of the petitioner may be considered for being appointed on regular basis. No costs.

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05-12-2006

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